

BUSINESS MEETING
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

EXCERPT REGARDING
2005 BUILDING ENERGY EFFICIENCY
STANDARDS

CALIFORNIA ENERGY COMMISSION
HEARING ROOM A
1516 NINTH STREET
SACRAMENTO, CALIFORNIA

WEDNESDAY, OCTOBER 8, 2003

10:01 a.m.

Reported by

Alan Meade

Contract No. 150-01-006

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMISSION MEMBERS PRESENT

Robert Pernell, Chairperson

James D. Boyd, Commissioner

John L. Geesman, Commissioner

STAFF PRESENT

William Chamberlain, Chief Counsel

Scott Matthews, Chief Deputy Director

Joseph Wang, Project Manager
Nonresidential Buildings Office

Margret Kim, Public Advisor

Betty McCann, Secretariat

Gabriel D. Herrera, Senior Staff Counsel

Ram Verma
Nonresidential Buildings Office

Linda Kelly
PIER Program, Energy Systems Integration

Lisa De Carlo, Staff Counsel

Pramod P. Kulkarni, Program Manager
Industry, Agriculture & Water

Gary Flamm
Nonresidential Buildings Office

Timothy Tutt, Technical Director
Renewable Energy Program

Bill Pennington, Manager
Buildings and Appliance Office

Mark Rawsom, Program Manager
Distributive Energy Resource Integration R&D

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P R O C E E D I N G S

10:01 a.m.

COMMISSIONER PERNELL: I'd like to call
the Energy Commission Business Meeting to order.

Commissioner Boyd, would you lead us in
our pledge, please.

COMMISSIONER BOYD? Yes.

(Whereupon, the Pledge of Allegiance
was recited in unison.)

COMMISSIONER PERNELL: I would note for
the record that Commissioners Rosenfeld and
Commissioner Keese are out on Commission business,
so I'll be chairing this meeting.

First of all, I want to acknowledge and
welcome our new Public Advisor, Ms. Margret Kim.
So, if -- do you want to stand or do a speech or
anything?

(laughter)

Margret Kim, we're happy to have Margret
as our new Public Advisor.

Also, I want to acknowledge a good
friend, Scott Matthews, who is -- I think this is
your first meeting as Chief Deputy Director. So,
our Executive Director is out, Scott is the number
two young man in this organization, so we ...

12 COMMISSIONER PERNELL: It's been moved
13 and seconded that we approve the loans identified
14 in items seven, eight, nine and ten. On the
15 question, all those in favor?

16 (Ayes.)

17 Opposed?

18 Ayes have it.

19 Thank you for the presentation. All
20 right. Item number 11. 2005 Building Energy
21 Efficiency Standards. Commission consideration of
22 adopting hearing -- commission consideration of
23 adoption hearing of the '05 building energy
24 efficiency standards to November 5th, '03, to
25 allow for publication of 15-Day Language; however,

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1 no decision will be made, but comments may be
2 received. Just briefly, Mr. Pennington.

3 MR. PENNINGTON: Hi, I'm Bill
4 Pennington, Manager of the Buildings and
5 Appliances Office at the Commission. The
6 Commission has been involved in a proceeding for
7 the last two years to develop the extensive
8 changes to the building standards to go into
9 effect in 2005.

10 And have had 15 public workshops and
11 hearings on those standards so far. We're at the
12 point where, in the formal process, the rulemaking
13 proceeding, we issued 45 day language to open the
14 45-day comment period on August 8th.

15 And in the Notice Of Proposed Action
16 that's required by the Administrative Procedures
17 Act to describe and justify the rulemaking,
18 agencies have to specify the adoption date if
19 they're going to be adopting the proposed
20 standards without any changes.

21 So at the end of the 45-day period that
22 would be the date that's noticed to adopt. Well,
23 that's where we're at right now, October 8th was
24 what was in that Notice of Proposed Action. But
25 we have, the Committee has held a committee

1 hearing on September 4th, and we've had a variety
2 of written comment submitted to the record.

3 And there are good reasons to make a
4 number of changes to the 45-day language proposal.
5 So to do that administratively, we need to release
6 15-day language, and have that language out to
7 public review for 15 days. So that means that
8 we're not here to have the standards adopted
9 today, but we need to continue the adoption
10 hearing to November 5th.

11 And so that's what's proposed. Since
12 this day is officially noticed in the Notice of
13 Proposed Action, some people might not have gotten
14 the word that there was not going to be an action
15 today, and they may have come to speak. So part
16 of the item is to give people a chance to comment
17 on the standards if they wish, recognizing there
18 is no decision to be made today.

19 COMMISSIONER PERNELL: Thank you, Mr.
20 Pennington. I notice we have one blue card, so
21 would you come forward please. Mr. Arita.

22 MR. ARITA: Good morning Commissioner
23 Pernell, members of the Commission. For the
24 record, my name is Steven Arita with the Western
25 States Petroleum Association.

1 I'd like to start by just expressing
2 staff's recommendation to continue this item. As
3 you know, we have submitted comments, and we did
4 testify during the Energy Efficiency Committee
5 Workshop held last month. Suffice it to say, we
6 still have many concerns.

7 We do appreciate the fact that Mr.
8 Pennington and his staff -- we have met, as
9 recently as last Friday, and we hope to continue
10 to meet, address and resolve our issues and
11 concerns. And again, we support the
12 recommendation to continue this item. Thank you.

13 COMMISSIONER PERNELL: Thank you.
14 Anyone else? The item is now back to the dais.

15 COMMISSIONER BOYD: Mr. Chairman, I move
16 for adopting staff recommendation as we were
17 hearing.

18 (Thereupon, the motion was made.)

19 COMMISSIONER GEESMAN: Second.

20 (Thereupon, the motion was seconded.)

21 COMMISSIONER PERNELL: It's been moved
22 and seconded to adopt staff recommendation on the
23 question. All those in favor?

24 (Ayes.)

25 Opposed.

1 Ayes have it three to zero.

2 Okay, Energetics Incorporated. Possible
3 approval of Contract 500-03-010 for \$42,992 to
4 develop a roadmap report for petroleum refineries
5 in California. Staff, would you please brief the
6 board. Briefly

....

20 COMMISSIONER PERNELL: Public comments?

21 Any public comments? Hearing none and seeing
22 none.

23 There is no closed session. So is there
24 any other business to come before this committee,
25 this commission? Any other business to come

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1 before the Commission?

2 Seeing none, this meeting is adjourned.

3 (Thereupon, the business meeting was

4 adjourned at 11:55 a.m.)

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CERTIFICATE OF REPORTER

I, ALAN MEADE, an Electronic Reporter,
do hereby certify that I am a disinterested person
herein; that I recorded the foregoing California
Energy Commission Business Meeting; that it was
thereafter transcribed into typewriting.

I further certify that I am not of
counsel or attorney for any of the parties to said
meeting, nor in any way interested in outcome of
said meeting.

IN WITNESS WHEREOF, I have hereunto set
my hand this 15th day of October, 2003.

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